

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
JUN 7 2004

FILE

OFFICE OF
MANAGING DIRECTOR

Donald Shipton, President
RCS Communications Group
800 Megahertz Drive
Post Office Box 12609
Winston-Salem, NC 27117-2609

Re: Request to Waive Late Payment Penalty
Fee Control No. 00000RROG-04-47
Bill No. 0420000114

Dear Mr. Shipton:

This is in response to your request dated March 8, 2004 for waiver of the late payment penalty associated with the fiscal year (FY) 2003 regulatory fees for RCS Communications Group (RCS). Our records reflect that your \$1,478.96 regulatory fee was received on November 14, 2003, but that we have not received the \$369.74 late payment penalty. You request that the penalty be waived because the address for the licensee was incorrect and therefore the mail was not received by your office in order for the bill to be paid on time.

The Commission's rules are clear that licensees such as RCS are required to pay to the Commission an annual regulatory fee in a timely manner. *See* 47 C.F.R. § 1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003, Report and Order*, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. § 159. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. § 1.1157. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003). As a Commission licensee, RCS is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, RCS's lack of familiarity with the Commission's rules and policies governing regulatory fee payments does not mitigate or excuse RCS's failure to pay its FY 2003 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. § 159(c).

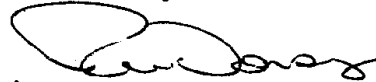
Donald Shipton, President

2.

For the reasons discussed above, we deny your request to waive the late charge penalty for late payment of the fiscal year 2003 regulatory fee.

Payment of RCS's \$369.74 late payment penalty for the FY 2003 regulatory fee is now due. It should be submitted, together with a copy of Bill No.0420000114 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure



"The Power to Communicate"

RECEIVED
FCC

2004 MAR 18 A 8:17

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

050 2004

Re: Bill No. ~~04200000114~~

This letter is in response to your March 3, 2004 letter advising that our payment of regulatory fees was not received on time and that a penalty of \$369.74 was due within 30 days unless just cause could be shown.

I can assure you that the bills in the future will be paid on time when sent to the correct address. Thank you for your consideration in this matter.

Donald Shipton
President
RCS Communications Group

MAR 26 2004

interoffice memo

Date: 4/2/2004
To: Office of General Counsel
From: Tom Putnam
RE: RCS Communications Group

RCS Communications Group has paid the Regulatory Fee for FY 2003. The fee control number is 0311178835250001.

The penalty for late payment of the regulatory fee has not been paid. That amount due is \$ 369.74. I have enclosed a copy of the bill for the late payment penalty as well as a copy of the fee payment record

Please let me know if I can be of further assistance.

Tom P.

**RAMIS ACCOUNT RECEIVABLES****Check Number Query Report**

| | | | |
|---------------------------------------|----------------|---------------|--|
| FEE Control Number : 0212188994538016 | | | |
| Customer FRN | : 0007949688 | FRN Name | : M. C. Hartshorn, Inc. |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$100.00 | Date Received | : 12/17/2002 |
| FEE Control Number : 0302118185158001 | | | |
| Customer FRN | : 0003727872 | FRN Name | : Hogan & Hartson LLP |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$145.00 | Date Received | : 02/10/2003 |
| FEE Control Number : 0305198994471014 | | | |
| Customer FRN | : 0007906803 | FRN Name | : Tecumseh Products Company |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$100.00 | Date Received | : 05/19/2003 |
| FEE Control Number : 0306308994163011 | | | |
| Customer FRN | : 0009196791 | FRN Name | : KERBER, ALLEN:KERBER, CATHERINE |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$100.00 | Date Received | : 06/27/2003 |
| FEE Control Number : 0311178835250001 | | | |
| Customer FRN | : 0001961481 | FRN Name | : RCS Communications Group DBA Reisenweaver Communications Inc |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$1,478.96 | Date Received | : 11/14/2003 |
| FEE Control Number : 0312198994161001 | | | |
| Customer FRN | : 0002818821 | FRN Name | : St Francis Hospital |
| Check Number | : 548900000000 | | |
| Receipt Amount | : \$300.00 | Date Received | : 12/18/2003 |
| FEE Control Number : 0401088994260011 | | | |
| Customer FRN | : 0004686762 | FRN Name | : Atos Origin IT Services Inc. dba Cellnet |
| Check Number | : 548944000000 | | |
| Receipt Amount | : \$470.00 | Date Received | : 01/07/2004 |

AR012-A
4/02/2004
9:13:39

RAMIS ACCOUNTS RECEIVABLE - (C) DSG, INC.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD NO., FEE CONTROL NO.

PAGE 1
4/02/2004
9:13:39

CD No. CD DATE FEE CONTROL No.

FRN PAYER NAME

TRANSACTION DATE

RECEIPT AMOUNT

Regulatory Fee Payment

AR012-A
4/02/2004
9:13:39

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 2
4/02/2004
9:13:39



| CD No. | CD DATE | FEE CONTROL No. | FRN | PAYER NAME | TRANSACTION DATE | RECEIPT AMOUNT |
|--|-----------|---------------------|-------------|--------------------------------|------------------|----------------|
| 560847 | 11/17/03 | 0311178835250001 | 0001961481 | RCS Communications Group DBA R | 11/14/03 | \$1,478.96 |
| PTC: 0313 | Seq: 1 | Call Sign: WPEI915 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 962 | Applied Amt: 76.96 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 2 | Call Sign: WNUP307 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 962 | Applied Amt: 76.96 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 3 | Call Sign: WNHV683 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 962 | Applied Amt: 76.96 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 4 | Call Sign: WNZS866 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 962 | Applied Amt: 76.96 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 5 | Call Sign: WPCT816 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 6 | Call Sign: WPDN579 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 7 | Call Sign: WPFS237 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 8 | Call Sign: WPJU698 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 9 | Call Sign: WPJW737 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 10 | Call Sign: WPJW739 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 961 | Applied Amt: 76.88 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 11 | Call Sign: WPCM754 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 1331 | Applied Amt: 106.48 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 12 | Call Sign: WPCM755 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 1331 | Applied Amt: 106.48 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 13 | Call Sign: WPCM756 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 1331 | Applied Amt: 106.48 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 14 | Call Sign: WPID802 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 1331 | Applied Amt: 106.48 | | | | |
| Address: PO BOX 12609 | | | | | | |
| PTC: 0313 | Seq: 15 | Call Sign: WPDU249 | FCC Code 1: | FCC Code 2: | Tin Number: | |
| Applicant Name: REISENWEAVER COMMUNICATIONS IN | QTY: 1331 | Applied Amt: 106.48 | | | | |

Address: PO BOX 12609

Seq: 16 Call Sign: WPEQ688 FCC Code 1:
PTC: 0313 QTY: 556 Applied Amt: 44.48
Applicant Name: CAROLINA COMMUNICATIONS & ELEC
Address: PO BOX 12609

FCC Code 2:

Tin Number:

Seq: 17 Call Sign: WPEQ604 FCC Code 1:
PTC: 0313 QTY: 554 Applied Amt: 44.32
Applicant Name: CAROLINA COMMUNICATIONS & ELEC
Address: PO BOX 12609

FCC Code 2:

Tin Number:

Seq: 18 Call Sign: WPEH857 FCC Code 1:
PTC: 0313 QTY: 554 Applied Amt: 44.32
Applicant Name: CAROLINA COMMUNICATIONS & ELEC
Address: PO BOX 12609

FCC Code 2:

Tin Number:

Seq: 19 Call Sign: WPAZ731 FCC Code 1:
PTC: 0313 QTY: 554 Applied Amt: 44.32
Applicant Name: CAROLINA COMMUNICATIONS & ELEC
Address: PO BOX 12609

FCC Code 2:

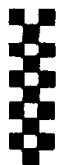
Tin Number:

Total Applied:

\$1,478.96

Total Receipt:

\$1,478.96

**FAX**

RCS COMMUNICATIONS
800 Megahertz Drive (27107)
PO Box 12609
Winston-Salem, NC 27117-2609

ACCOUNT PROCESSING
COMM-F-DPT/RPT/THI

2004 MAR 31 P 12:27

RECEIVED
FCCDate 3-31-04

Number of pages including cover sheet _____

To:

Tom PatnamFCC

Phone _____

Fax Phone 202-418-2843

CC: _____

From:

Donald ShptonPhone 336-788-9191Fax Phone 336-650-1124

REMARKS:

☐ Urgent☒ For your review☐ Reply ASAP☐ Please comment

Tom,
Thanks for the info on the
phone concerning regulatory fees.
Any consideration toward waiving the
penalty would be greatly appreciated.

Thank you
Donald Shpton



Federal Communications Commission
Washington, D.C. 20554

March 3, 2004

Carolina C & E Inc
1200 Huntingdon Rd
Winston Salem, NC 27104

Re: Bill No. 0420000114

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$1,478.96 was received on November 14, 2003.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$369.74 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-5340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

A handwritten signature in cursive script, reading "Claudette E. Pride".

Claudette E. Pride, Chief
Revenue and Receivables Operations Group

Enclosure

Federal Communications Commission
BILL FOR COLLECTIONFOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

| | | |
|---|----------------|-------------------|
| Bill Number | | Current Bill Date |
| 0420000114 | | 2/07/04 |
| PAYER FRN# | APPLICANT FRN# | |
| 0001961481 | 0001942945 | |
| Caroline C & E Inc 1200 Huntingdon Rd Winston Salem, NC 27104 | | |
| Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission REVENUE & RECEIVABLE OPER. P.O. BOX 358340 PITTSBURGH, PA 15251-8340 | | |
| Total Amount Due | Due Date | |
| \$369.74 | 12/18/03 | |
| Total Amount Due Must Be Received By | | |

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN: 0311178835250001 CALL SIGN: WPEI915

PAYER ADDRESS: RCS Communications Group DBA Reisenweaver Communications Inc
800 Megahertz Drive

Winston Salem, NC 27107

Please write your bill number on your remittance.

Please attach a copy of this bill to your payment to ensure proper credit.

| PTC | Quantity | Fee Due |
|-----------|----------|----------|
| 0399 | 1 | \$369.74 |
| Total Due | | \$369.74 |

Payment Method: ☐ Check ☐ (Attach)
☐ Credit Card ☐ (Complete Below)☐ MasterCard☐ American Express☐ VISA☐ Discover

Account No.

| | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Expiration:

| | |
|--|--|
| | |
|--|--|

Month

| | |
|--|--|
| | |
|--|--|

Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE